

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JEREMY CHARLES HEIMBACH

PLAINTIFF

V.

CIVIL ACTION NO. 5:23-cv-66-DCB-ASH

JAMES BRUMFIELD, et al.

DEFENDANTS

ORDER ADOPTING THE REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Harris's Report & Recommendation ("Report") [ECF No. 31], concerning Plaintiff's failure to prosecute this action and failure to comply with the Court's orders. The Report was entered June 6, 2024, and objections to it were due by June 20, 2024. No party has filed an objection, and the time to do so has elapsed.

Judge Harris recommended that the matter be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). Judge Harris cited Plaintiff's failure to comply with Court orders, as well as a failure to keep the Court informed of Plaintiff's current address. [ECF No. 26]. Judge Harris had previously warned Plaintiff that the matter may be dismissed if he failed to comply with Court orders. Id.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de

novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Where there are no objections, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the Report. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After conducting a de novo review of the Report [ECF No. 31], the Court agrees with Judge Harris's recommendation. Accordingly, the Report [ECF No. 31] is hereby ADOPTED and Plaintiff's claims against Defendants are DISMISSED WITHOUT PREJUDICE.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this 1st day of July, 2024.

/s/ David Bramlette
DAVID C. BRAMLETTE III
UNITED STATES DISTRICT JUDGE